

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

THIS DOCUMENT RELATES TO:

Case No. 1:14-cv-13509-RWZ

MDL No. 1:13-md-2419-RWZ

MOTION FOR APPOINTMENT OF GUARDIAN AD LITEM

Petitioner Tosha Andrews, Administrator of the Estate of Sara D. Culp, a/k/a/ Sara D. Andrews, deceased, hereby moves the court for the appointment of a Guardian *ad litem*, and in support thereof states the following:

1. Petitioner filed her Petition for Entry of an Order of Publication and Final Approval of Distribution of Wrongful Death Settlement Proceeds Pursuant to Va. Code § 8.01-55 (“Petition”), on July 20, 2017.
2. Virginia law establishes the criteria for identifying the statutory beneficiaries of claims for wrongful death. *See* Va. Code § 8.01-53.
3. Among the statutory beneficiaries of the Estate of the decedent in this case is Mr. Brandon Andrews (“Mr. Andrews”), a grandson of the decedent whose parent, a child of the decedent, has also deceased.
4. Mr. Andrews has requested appointment of a Guardian ad litem to represent him in these proceedings because he is currently incarcerated in Lawrenceville, Georgia and claims a mental disability. Under these conditions Mr. Andrews is a person under a disability within the meaning of Va. Code § 8.01-2.

5. Accordingly the plaintiff seeks to appoint a Guardian *ad litem* to represent Mr. Andrews' interests in the matter of the Petition.

6. Timothy D. Dooley is a discrete and competent attorney with the law firm Dooley Law PLC, located in Vinton, Virginia. Mr. Dooley is duly qualified under Virginia law to serve as Guardian *ad litem* for incapacitated adults, and consents to his appointment as Guardian *ad litem* for Mr. Andrews in the matter of the Petition.

7. Counsel for the respondents, Insight Health Corp., Image Guided Pain Management, P.C., John M. Mathis, M.D. and Robert F. O'Brien, M.D., consent to this appointment and entry of the attached order.

WHEREFORE, Petitioner Tosha Andrews, Administrator of the Estate of Sara D. Culp, a/k/a Sara D. Andrews, deceased, hereby moves the court to enter the attached order appointing Timothy D. Dooley as Guardian ad litem for Brandon Andrews in the matter of her Petition for Approval of Compromise Settlement of Virginia Wrongful Death Claim Pursuant to Va. Code § 8.01-55.

Date: September 6, 2017

Respectfully Submitted

By: /s/ Patrick T. Fennell
Patrick T. Fennell, Esq. (VSB 40393)
Crandall & Katt
366 Elm Avenue, S.W.
Roanoke, Virginia 24016
T: (540) 342-2000
F: (540) 556-0469
pfennell@crandalllaw.com

*Counsel for Plaintiff Tosha Andrews,
Administrator of the Estate of Sara D.
Culp a.k.a. Sarah D. Andrews*

CERTIFICATE OF SERVICE

I certify that, on September 6, 2017, this document was filed through the CM/ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and will be delivered to the following via electronic mail:

Timothy D. Dooley
Dooley Law PLC
PO Box 1037
Vinton, Virginia 24179
Telephone: 540/627-5140
Facsimile: 540/227-6301
doolawva@gmail.com

By: /s/ Patrick T. Fennell
Patrick T. Fennell